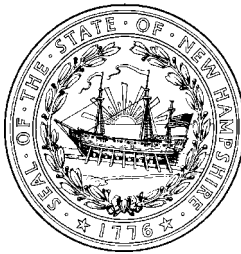


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NEWSLETTER

News Editor: Penny Taylor, Administrator

JULY, 2002

Recent Changes to the Board:

The Board welcomes two new public members; Judith E. Dickinson from Concord, New Hampshire who joined the Board on December 5, 2001 and Mary S. Nelson from Nashua, New Hampshire who joined the Board on December 19, 2001.

Governor Shaheen has re-appointed Dr. Bruce Friedman and Dr. James Clifford to the Board and has also appointed Wassfy Hanna, M.D. from Portsmouth, Nick P. Perencevich, M.D. from Concord and Robert P. Cervenka, M.D. from Manchester to the Medical Review Subcommittee (MRSC).

The Board welcomes Ms. Yolaine Bush, who joined the Board staff in March 2002.

Physician Health Program: *Notice to all physicians* - If you or a colleague have a possible problem with alcohol or drug dependency, the Board urges you to notify the Physician Health Program for evaluation at (603) 226-3494. Phone calls go to a confidential telephone line. Initial contacts may be anonymous, if desired.

If you are already in treatment for alcohol or drug dependency, either privately or through your hospital, you also must check "yes" to question #4 on your license renewal form and call the Physician's Health Program or face possible disciplinary action. The Physician's Health Program itself does not perform treatment, but may refer you for evaluation and treatment if necessary. If an impairment has been identified, the Director of the Physician Health Program will write a specific treatment and monitoring contract.

The Physician Health Program is presently run by the New Hampshire Medical Society, not the Board of Medicine. It is available to all NH physicians, regardless of whether or not they are Medical Society members. Only non-compliant physicians are reported to the Board.

National statistics suggest that 10% of physicians have substance abuse issues. With 4,228 physicians licensed in NH, this problem could affect 422 NH physicians at some time during their career. Physicians in treatment have a 90% recovery rate, which is much better than that of the general population.

Once again, the Board urges you to call the confidential Physician Health Program for personal help or for help for an impaired colleague; treatment does work. You could help a physician with a chronic progressive disease and possibly save his or her life.

Letters of Concern: RSA 329:17, VII-a states "The board may issue a nondisciplinary confidential letter of concern to a licensee advising that while there is insufficient evidence to support disciplinary action, the board believes the physician should modify or eliminate certain practices, and that continuation of the activities which led to the information being submitted to the board may result in action against the licensee's license. This letter shall not be released to the public or any other licensing authority, except that the letter may be used as evidence in subsequent disciplinary proceedings by the board."

The Board has received several correspondences from physicians' attorneys after these physicians have received a letter of concern. The physician should realize this letter is confidential and not released to the public. The problem addressed does not rise to a disciplinary level; however, the letter of concern will be kept in the physician's file and may be reviewed again at a later date if there appears to be a pattern of questionable care. If a physician wishes to respond to a Letter of Concern, they can certainly do that and the response will be kept on file.

Medical Records: *Notice to all physicians* - Another issue which generates many avoidable complaints to the Board of Medicine involves patient efforts to retrieve their medical records. It appears that some physician offices may not fully understand obligations to make these records available. When patients request medical records from your office, please be advised that you are required by law to promptly release a copy of **all** medical records in your possession, including medical records received from other providers, within a 30 day period pursuant to NH Code of Administrative Rules Med 501.02(4)b. Also, patients are entitled to a copy of IME medical records. RSA 151:21, X, which was effective August 18, 2001, states "the charge for the copying of a patient's medical records shall not exceed \$15 for the first 30 pages or \$.50 per page, whichever is greater; provided, that copies of filmed records such as radiograms, x-rays, and sonograms shall be copied at a reasonable cost." You cannot delay transfer of medical records, including for non-payment of services.

Physician Vacancy on the Physician Assistant Advisory Committee:

The Physician Assistant Advisory Committee (PAAC) has one immediate vacancy for a physician. The Committee's charge is to assist and advise the Board in the licensure process and rule making of physician assistants.

The term for Committee members is for two years, and the physician should have experience working with or supervising physician assistants. The Committee meets the last Wednesday of each month at 8:30 A.M. for approximately one hour. There is an honorarium of \$50.00 plus mileage for each meeting.

Please fax your curriculum vitae and letter of interest to Penny Taylor, Medical Board Administrator at (603) 271-6702 if you are interested.

2002 New Hampshire Prevention Guidelines:

In this newsletter you will find a copy of the 2002 New Hampshire Prevention Guidelines, published by the Foundation for Healthy Communities, and developed by the Medical Directors for New Hampshire health plans and the Department of Health and Human Services. These guidelines provide both patients and physicians with clear-cut advice about scheduling physicals, diagnostic screenings, immunizations, and other clinical preventive services. They are consistent with national evidence-based guidelines from CDC, the U.S. Preventive Services Task Force, and guidelines promulgated by other specialty societies. You can request a complimentary copy of these guidelines on an 18" x 36" poster from the Foundation for Healthy Communities by calling (603) 225-0900, or download them from the web at www.healthynh.com.

DISCIPLINARY ACTIONS:

The following final disciplinary actions were taken by the Board from October 1, 2001 through March, 2002.

William T. Larney, M.D. License # 6484 Nashua, NH

10/11/01 – Settlement Agreement – Reprimand, Failure to properly treat patient.

David W. Fagell, M.D. License #3576 Lynnfield, MA

10/11/01 – Settlement Agreement – Reprimand. Dr. Fagell committed professional misconduct pursuant to RSA 329: 17, VI (a) in that he knowingly provided false information on renewal applications. Additionally, it is alleged that Dr. Fagell committed unprofessional conduct pursuant to RSA 329:17, VI (d) in that he engaged in dishonest conduct.

James M. Ballou III, M.D. License # 4343 Keene, NH

10/11/01 – Settlement Agreement – Reprimand. Dr. Ballou committed gross negligence in practicing medicine contrary to RSA 329:17, VI (d) in his medical treatment of a patient.

Albert M. Ghassemian, M.D. License #9770 Salem, NH

7/24/00 – Order for Temporary Suspension of License and Show Cause Hearing. License suspended for 120 days pending Disciplinary Hearing based on action taken by the Massachusetts Board of Registration in Medicine.

10/31/01 – Order – Suspension of License. The Board finds that Dr. Ghassemian has demonstrated impaired judgment, impulsivity, inability to think in a flexible manner limiting his ability to integrate new information, a tendency to become overwhelmed when faced with complex and/or ambiguous tasks, and a significant lack of capacity for self which raises a concern as to whether he is capable of continuing to practice medicine in a safe manner. The Board finds that Dr. Ghassemian poses an immediate danger to his patients. These findings are derived from the information received from Massachusetts. The Board further finds that Dr. Ghassemian's behavior, specifically the violent threats he allegedly made against employees of a health care insurer, constitutes unprofessional conduct in violation of RSA 329: 17, (d).

C. Frederick Lord, M.D. License #7175 Windsor, VT

6/16/95 - Settlement Agreement. License restricted for 3 years to require monitoring for substance abuse based on voluntary admission to treatment program.

11/19/01 - Consent Decree –Reciprocal action from Vermont regarding the quality of care rendered by Dr. Lord to eleven surgical and/or orthopedic patients. Fined \$ 1,000.00, Licensed restricted – Dr. Lord shall not provide any surgical care to any patients as a primary surgeon in the State of New Hampshire.

Marcos U. Ramos, M.D. License #6666 Gilford, NH

3/4/99 – Order for Emergency Suspension and Notice of Hearing. License suspended up to 120 days pending hearing to determine whether Dr. Ramos has engaged in professional misconduct.

4/27/99 – Order on Continuance. License remains suspended pending completion of MA Board of Registration in Medicine proceedings.

11/14/01 – Settlement Agreement – License Revoked. On June 21, 2001, Dr. Ramos was convicted of eleven felony counts of indecent assault and battery in the state of Massachusetts. The crimes were committed in the context of the physician – patient relationship. The victims were patients of Dr. Ramos. Dr. Ramos was sentenced to a prison term of three to five years. He is serving this time at the Massachusetts Correctional Institution, Cedar Junction. While engaging in the activity underlying the criminal convictions, as described above, the Respondent violated the provisions of RSA 329:17, VI (d) and (j).

Ali Ata, M.D. License #4994 - Manchester, NH

1/7/02 - Settlement Agreement - The allegations are that he engaged in an inappropriate or offensive manner with female medical staff of CMC, within the context of the hospital and while Dr. Ata was on duty per RSA 329:17, VI (d).

Norman W. Crisp, Jr., M.D. License #3401 - Nashua, NH

1/7/02 - Final Order - Dr. Crisp's license was lapsed and he engaged in the practice of medicine although he was aware his license had lapsed. The Board also finds that he failed to complete his CME requirements necessary for renewal.

Rosa Roofeh, M.D. License #9820 - Manchester, NH

1/8/02 - Reprimand - \$1500 fine for dishonest or unprofessional conduct per RSA 329:17(d) relating to fraudulent billing practices and \$1500 fine for failure to maintain adequate medical records per RSA 329:17, VI (k).

Sankar N. Banerjee, M.D. - License #8871

1/15/02 - Order - Application for reinstatement of license denied.

Gudbjoin Karlsson, M.D. – Resident License #RT-771

2/13/02 - Settlement Agreement – Inaccurate information provided on initial resident application. Dr. Karlsson did not reveal his alcohol abuse and dependence problems. Licensed suspended for 120 days with 30 days stayed for a period of 5 years. For 5 years, Dr. Karlsson shall participate without interruption in the treatment of his substance abuse. Fined \$1,000.

Louis J. Nackman, M.D. License #9740 - Manchester, NH

2/22/02 - Settlement Agreement - Reprimand and \$3,000.00 fine. Failed to provide adequate medical care to a patient resulting in patient's death.

Walter J. Wroblewski, M.D. Yarmouth, ME

3/8/02 – Order of Conditional Denial. Locum Tenens License denied. Does not meet requirements.

Gregory M. Lynch, M.D. License #8168 Derry, NH

3/18/02 - Order Amending Settlement Agreement. Replace paragraph 7(B) of the Settlement Agreement to read "The Respondent ceased practicing obstetrics in October of 1999. This was a voluntary decision on his part, and was made with the intention that it be permanent, with no intention to resume the practice of obstetrics at any time. The Respondent hereby affirms to the Board that he is not, and will not, be practicing obstetrics. Any deviation from this affirmation may be grounds for further discipline."

Gary E. Welliver, M.D. Wilmington, NC

3/29/02 - Order of Conditional Denial. Applicant must request a hearing to show cause why he should not be denied a license within thirty (30) days.

Ronald G. Donelson, M.D. Hanover, NH

3/29/02 - Order of Conditional Denial. Applicant must request a hearing to show cause why he should not be denied a license within thirty (30) days.

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- The Board office has been called for requests of further details about certain disciplinary actions. All Orders are public documents and may be obtained by calling the Board office at (603) 271-1203. There is a fee of \$.25 per page for all Orders.